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U.S. BANKRUPTCY COURT
NORTHERN DIST. OF CA.
OAKLAND, CA.

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MAURO BUCIO and HILDA BUCIO

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE MARIO ROBERTO JUAREZ,
Debtor,

Case Number 13-40355 RLE 13
Chapter 13

OBJECTIONS TO CONFIRMATION
OF CHAPTER 13 PLAN

COMES NOW, Creditors MAURO BUCIO and HILDA BUCIO ("BUCIOS"),
by and through counsel, files their Objections to Confirmation of Chapter 13 Plan.

Creditors MAURO BUCIO AND HILDA BUCIO object on the following
grounds:

I. THE BUCIO'S CLAIMS ARE NON-DISCHARGEABLE
PURSUANT TO 11 U.S.C. §523(a) et seq.

The Bucio filed a lawsuit in Alameda County Superior Court, case number
RG1159243, on August 26, 2011. This case centers around three different fraudulent
transactions, whereby Defendant Mario Juarez approached Plaintiffs with several

1 different stories in order to con them into loaning Defendant Mario Juarez the sum of
2 \$220,000. This action is based upon **fraud**, and states causes of action, *inter alia*, for:
3 Fraud and Deceit - Intentional Misrepresentation; Fraud and Deceit - Suppression of
4 Fact; Violation of Business and Professions Code Section 17200. Mario Roberto
5 Juarez's actions are therefore in contravention of the provisions of 11 U.S.C.
6 §727(a)(2), (3), (4), (5), (6), and/or (7), 11 U.S.C. §523, including but not limited to 11
7 U.S.C. §523(a) (2), (4), (6), and (10), Bankruptcy Rule 4004(d) and 7001(4) of the
8 Federal Rules of Bankruptcy Procedure, and therefore, constitute grounds to deny the
9 debtor's discharge.

10 **II. The Parties in the Underlying State Court Action**
11 **are Ready for Trial**

12 Alameda County Superior Court Case Number RG1159243 was scheduled for
13 trial on January 25, 2013 at 9:00 a.m. On the very eve of trial, January 22, 2013,
14 Mario Roberto Juarez filed the subject bankruptcy. Because the parties are ready for
15 trial, the debtor's discharge should be denied, and the State Action should be permitted
16 to proceed. In re Donn Kemble, 776 F.2d 802 (1985).

17 **III. MARIO ROBERTO JUAREZ'S BANKRUPTCY FILING IS**
18 **IMPROPER**

19 A bankruptcy filing is improper to avoid another Court's jurisdiction. Mario
20 Roberto Juarez's filing on the eve of trial to avoid an Alameda County Court's
21 jurisdiction in a case regarding his fraud, is improper. In re Sherman, 491 F.3d 948
22 (2011).

23 **IV. DEBTOR DOES NOT MEET THE "REGULAR INCOME"**
24 **REQUIREMENT**

25 Only individuals with "regular income", sufficient, stable, and regular to enable
26 the individual to make payment may be debtors under Chapter 13. 11 USC §109(e).
27 Mere allegations that there is income potential is insufficient. In re Jones, 174 BR 8,
28 13. Mario Roberto Juarez has failed to make the requisite showing.

V. CHAPTER 13 IS LIMITED TO INDIVIDUALS

Mario Roberto Juarez lists one, but not all of the several business names he has

1 used: Fireside California Group, Inc. Businesses, including corporations and
2 partnerships, are excluded under Chapter 13.

3 **VI. THE DEBT LIMIT IS EXCEEDED**

4 The debt limit at the time of filing a Chapter 14 petition is \$360,475. The
5 Bucios claim itself, is in excess of this limit. 11 USC§109(e).

6 **VII. THE BUCIOS REQUEST A WRITTEN REPORT**

7 The financial condition and operation of a business must be investigated and a
8 report filed. 11 USC §1302(c); 11 USC §1106(a)(4).

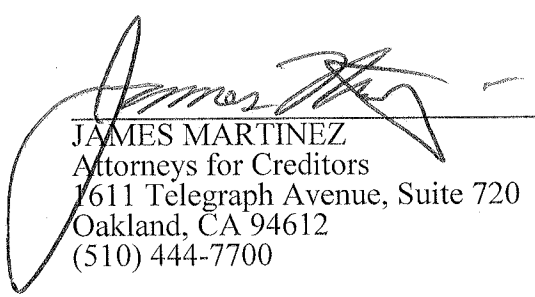
9 PREMISES CONSIDERED, WHEREFORE MAURO BUCIOS AND
10 HILDA BUCIO pray:

- 11 a. That the Court DENY confirmation of the Debtor Mario Roberto
12 Juarez's plan and to dismiss the case, or in the alternative, to convert
13 the case to one under Chapter 7;
14 b. That upon a hearing of this matter, the Court deny the discharge of the
15 debtors, and;
16 c. For such other and further relief as the Court may deem proper.

17 Dated: February 21, 2013

RESPECTFULLY SUBMITTED,

18 **LAW OFFICE OF JAMES MARTINEZ**

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